



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11600 of 2022

RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.
(CR.NO.62/2022)

[RESPONDENT]

For Petitioner : M/S.T.GANESAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.04.2022 for the offence under Section 379 of IPC in Crime No.62 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the instigation made by A1, A2 to A4 were involved in the theft of cabinet box from Airtel tower. The value of the said cabinet box is to the tune of Rs.45,000/-. There are totally four accused persons in this case and the petitioner has been arrayed as A1.

3. The learned counsel for the petitioner submitted that false case has been foisted against the petitioner and that he has nothing to do with the offence. The learned counsel submitted that this petitioner was arrested and remanded to judicial custody on 27.04.2022 and he has already suffered incarceration for nearly 21 days.



4. The learned Government Advocate (Criminal Side) submitted that A2 and A3 were initially arrested and based on the confessing of A2, the cabinet box was recovered and he further confessed that it was A1 who had instigated the commission of crime. It was further submitted that A2 continues to be in judicial custody and A3 has been granted bail and A4 is absconding and he is yet to be secured. Learned Government Advocate submitted that there are no previous cases against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the stolen article has already been recovered and this petitioner has already suffered incarceration for nearly 21 days and there are no previous cases against the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pennagaram and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every friday at 10.30 am for a period of eight weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT
PENNAGARAM
DHARMAPURI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERiyur POLICE STATION,
DHARMAPURI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL DHARMAPURI DISTRICT

+1 CC to M/S.T.GANESAN Advocate on payment of necessary charges
SR.No. 7343.

CRL OP.11600/2022

Date :18/05/2022

SP(19/05/2022)